

MESSAGE NO: 2202306 MESSAGE DATE: 07/20/2012

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: 77 FR 35939 FR CITE DATE: 06/13/2012

REFERENCE 8254203
MESSAGE #
(s):
CASE #(s): A-570-891

EFFECTIVE DATE: 07/11/2012 COURT CASE #: 08-00245

PERIOD OF REVIEW: 12/01/2005 TO 11/30/2006

PERIOD COVERED: 12/01/2005 TO 11/30/2006

Notice of Lifting of Suspension Date: 07/20/2012

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for hand trucks and parts thereof from the People's Republic of China exported by Qingdao Taifa Group Co., Ltd. for the period 12/01/2005 through 11/30/2006 (A-570-891)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On 06/04/2012, the Court of Appeals for the Federal Circuit issued its mandate in appeal number 2011-1595, -1596, Qingdao Taifa Group Co. v. United States, 34 Int'l Trade Rep. (BNA) 1224 (Fed. Cir. Apr. 11, 2012), affirming the Court of International Trade's decision in Qingdao Taifa Group Co., Ltd. v. United States, Ct. No. 08-00245, 780 F. Supp. 2d 1342 (CIT 2011). As a result of this decision, the injunction to which message 8254203 refers enjoining liquidation of entries which are subject to the antidumping duty order on hand trucks and parts thereof from the People's Republic of China (PRC) for the period 12/01/2005 through 11/30/2006 exported by Qingdao Taifa Group Co., Ltd. dissolved on 07/11/2012.

2. For all entries of hand trucks and parts thereof from PRC exported by Qingdao Taifa Group Co., Ltd. and entered, or withdrawn from warehouse, for consumption during the period 12/01/2005 through 11/30/2006, assess an antidumping liability of 145.90 percent of the entered value.

3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of hand trucks and parts thereof from PRC you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

4. There are no injunctions applicable to the entries covered by this instruction.

5. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the

required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

6. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the manufacturer, producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

7. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O8: BDK.)

8. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party